

JUL 22 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ULISES PEREZ-CORTEZ,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 08-70642

Agency No. A95-656-755

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted July 14, 2008<sup>\*\*</sup>

Before: SCHROEDER, LEAVY and IKUTA, Circuit Judges.

This is a petition for review of the Board of Immigration Appeals' ("BIA")  
order affirming the pretermission of petitioner's application for cancellation of  
removal.

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent  
except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

The BIA found petitioner ineligible for cancellation of removal because his conviction under California Penal Code § 273.5(a) was for a crime of domestic violence under 8 U.S.C. § 1227(a)(2)(E)(i).

Petitioner does not dispute that he has been convicted under California Penal Code § 273.5(a) for willful infliction of corporal injury on a spouse or cohabitant, or that his conviction constitutes a crime of domestic violence under 8 U.S.C. § 1227(a)(2)(E)(i). Further, because petitioner's conviction for a crime of domestic violence rendered him ineligible for cancellation of removal under 8 U.S.C. § 1229b(b)(1)(C), the BIA did not need to reach the issue of whether petitioner could establish good moral character or continuous physical presence for purposes of cancellation of removal. *Cf. Gonzalez-Gonzalez v. Ashcroft*, 390 F.3d 649, 653 (9th Cir. 2004). Accordingly, respondent's motion for summary disposition is granted.

This court lacks jurisdiction to review the agency's denial of petitioner's application for voluntary departure. *See Garcia v. Ashcroft*, 368 F.3d 1157, 1159 (9th Cir. 2004).

**PETITION FOR REVIEW DENIED.**